

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

NORMA PANTOJA and)	
JANETHA ADRIANA BARRAGA CRUZ)	
)	
v.)	NO. 3:17-0675
)	Crenshaw/Holmes
JEAN PEREZ)	

ORDER


The initial case management conference scheduled for February 7, 2018, was called and appearance was made by Joel Sanderson, counsel for Plaintiffs. No appearance was made by or on behalf of Defendant Jean Perez, who is the sole remaining defendant in this case.

For the reasons that follow, and subject to further orders, the initial case management conference is **RESCHEDULED** for **Thursday, April 19, 2018, at 11:00 a.m.**, in Courtroom 764, U.S. Courthouse, 801 Broadway, Nashville, Tennessee. On February 6, 2018, Plaintiffs filed a motion for default judgment (Docket No. 24) against Defendant Jean Perez. However, Plaintiff's motion is defective for a number of reasons. Default has not yet been entered under Fed. R. Civ. P. 55(a), and Plaintiffs' motion is not accompanied by an affidavit of service on Defendant Jean Perez or certificate of service of the motion. Nor is there a statement of Defendant Jean Perez's current military status, if any, as required by the Servicemembers Civil Relief Act. Additionally, no affidavit attesting to the damages claimed by Plaintiffs was provided, and the described damages include compensatory and nonpecuniary damages that are not clearly computable to a sum certain.

Based on some or all of these deficiencies, the Court anticipates that the Clerk will deny the motion for default judgment. Nevertheless, because it does appear that Defendant Jean Perez has taken no action to defend this case, Plaintiffs may be entitled to default relief, upon appropriate motions and affidavits. To allow Plaintiffs additional time to properly pursue default relief, the initial case management conference is rescheduled as provided above. Plaintiffs should promptly proceed with whatever default relief they seek in this case, and should not wait until days before the rescheduled case management conference before taking action to bring this case to a conclusion.

If Defendant Perez appears in this case, and the case therefore proceeds on its merits, the parties shall, prior to the rescheduled initial case management conference, confer about and file a joint proposed initial case management order by no later than **three (3) business days** prior to the rescheduled initial case management conference.

It is SO ORDERED.



BARBARA D. HOLMES
United States Magistrate Judge